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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------------|
| 10/655,683 | 09/05/2003 | Yusuke Yatabe | 16869S-093700US | 6499 |
| 20350 7590 05/18/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | EXAMINER DO, ANH HONG | |
| | | | ART UNIT 2624 | PAPER NUMBER |
| | | | MAIL DATE 05/18/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/655,683 | Applicant(s) YATABE ET AL. | |
| | Examiner ANH H. DO | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 6, 8 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/5/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 3, 4, 9, 10, and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Takahashi et al. (U.S. Patent No. 6,393,152).

Regarding claim 1, Takahashi discloses:

- a first encoder 110 for encoding inputted picture information (Sg) at a first resolution (Fig. 1);
- a second encoder 2 for encoding said inputted picture information (Lg) at a second resolution lower than said first resolution (Fig. 1);
- wherein said second encoder 2 encodes picture information (Lg) by use of encoding information of picture information (Sg) in said first encoder 110 corresponding to said picture information, and said encoding apparatus outputs the picture information (Eg 1 and Eg2) encoded by said first encoder 110 and said second encoder 2, respectively (Fig. 1 and col. 14, lines 21-30).

Regarding claim 3, Takahashi teaches encoding information is a quantization value from quantization circuit 12 (Fig. 1).

Regarding claim 4, Takahashi teaches changeover information of intra picture encoding or inter picture encoding of a macroblock of picture information in said first encoder 110 using switch 19a (Fig. 1).

Regarding claim 9, since it recites the same subject matters as those in claim 1, the discussion of claim 1 is applied hereto.

Regarding claim 10, Takahashi discloses:

- a first encoder 110 for encoding picture information taken at a first resolution (Sg) (Fig. 1);
- a second encoder 2 for encoding picture information taken at a second resolution (Lg) lower than said first resolution (Fig. 1);
- a recorder (i.e., buffer 41) for recording picture information (Fig. 1);
- a transmitter (i.e., multiplexer 4) for transmitting the picture information to outside (Fig. 1);
- wherein said second encoder 2 encodes picture information (Lg) by use of encoding information of picture information (Sg) in said first encoder 110 corresponding to said picture information (Fig. 1);
- said recorder (i.e., buffer 41) records said picture information encoded by said first encoder 110 (Fig. 1);
- said transmitter 4 transmits said picture information Eg2 encoded by said second encoder 2 to outside.

Regarding claim 13, Takahashi discloses:

- an input unit for inputting a digital signal Sg from outside (Fig. 1);
- a first encoder 110 for encoding inputted digital signal Sg at a first resolution (i.e., high resolution) (Fig. 1);
- a second encoder 2 for encoding the inputted digital signal at second resolution lower than said first resolution (Fig. 1 and col. 14, lines 21-30);
- an output unit (i.e., multiplexer 4) for outputting a digital signal to outside (Fig. 1);
- wherein, when said second encoder 2 encodes picture information by use of encoding information of picture information in said first encoder 110 corresponding to said picture information, and said output unit 4 outputs the picture information encoded by said first encoder 110 to a recording medium 44 and the picture information encoded by said second encoder 2 to a communication terminal 43 (Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (U.S. Patent No. 6,393,152).

Regarding claim 7, although Takahashi teaches MPEG encoder (col. 16, lines 6-10), he/she does not expressly teach MPEG2 and MPEG4 encoders.

It would have been obvious to one of ordinary skill in the art that MPEG2 and MPEG4 are well known for encoding picture information. The Applicant has not disclosed that MPEG2 and MPEG4 provide an advantage, are used for a particular purpose or solve a stated problem. Therefore, Examiner takes Official Notice for these claimed features.

Similarly, Examiner takes Official Notice for the features in claims 11 and 12.

Allowable Subject Matter

6. Claims 5, 6 8, and 14-16 are allowed.
7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the prior art, taken either singly or in combination, does not teach:

- wherein, when... are outputted.

Regarding claims 6 and 8, since these claims depend from claim 5, they are also allowable for the same reason.

Regarding claim 14, the prior art, taken either singly or in combination, does

not teach:

- a changeover block... so encoded.

Regarding claim 15, the prior art, taken either singly or in combination, does

not teach:

- wherein picture information... the frame skip.

Regarding claim 16, the prior art, taken either singly or in combination, does

not teach:

- wherein, when... the frame skip.

Regarding claim 2, the prior art, taken either singly or in combination, does

not teach:

- wherein said second encoder... by said first encoder.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H. DO whose telephone number is 571-272-7433. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 14, 2007

A handwritten signature in black ink, appearing to read 'maulle', with a long horizontal stroke extending to the right.

ANH HONG DO
PRIMARY EXAMINER